

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SALVADOR D. GUZMAN,

Defendant.

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CASE NO. 8:96CR17

ORDER

This matter is before the Court on the Court's own motion pursuant to Federal Rule of Criminal Procedure 48(b)(3) and on the response (Filing No. 82) to the Court's previous show-cause order (Filing No. 81).

The Defendant was charged in an Indictment filed on February 14, 1996 (Filing No. 1). He was arrested and appeared on February 22, 1996. (Filing No. 7.) On March 18, 1996, he was released on bond. (Filing No. 30.) On May 1, 1996, the Defendant failed to appear for trial. (Filing No. 49.) More than ten years have passed with no substantive activity in this case with respect to this Defendant.

The Court required the government to show cause why this case should not now be dismissed for failure to prosecute. The government responded, stating that no reason exists to dismiss this case. However, the government provided no information indicating, for example, that the government is actively seeking the Defendant or that witnesses or other items of evidence are still available if he were apprehended and brought to trial. Under the circumstances, this case will be dismissed without prejudice.

IT IS ORDERED that this matter is dismissed without prejudice pursuant to Federal Rule of Criminal Procedure 48(b)(3).

DATED this 19th day of June, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge